



# PUBLIC NOTICE

Federal Communications Commission  
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DA 20-475

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**ANONYMIZED DATA DERIVED FROM NUMBERING RESOURCE UTILIZATION  
AND FORECAST REPORTS TO BE PLACED INTO THE 5G FUND RECORD  
SUBJECT TO PROTECTIVE ORDER**

**GN Docket No. 20-32  
CC Docket No. 99-200**

On April 23, 2020, the Commission adopted a Notice of Proposed Rulemaking proposing to establish the 5G Fund for Rural America, which would use multi-round reverse auctions to distribute up to \$9 billion in two phases over the next decade and beyond to bring voice and 5G broadband service to rural areas of our country that are unlikely to see unsubsidized deployment of 5G-capable networks.<sup>1</sup> In the *5G Fund NPRM and Order*, the Commission directed the Office of Economics and Analytics (Office) and the Wireline Competition Bureau (Bureau) to propose and seek comment on appropriate adjustment factor values to be incorporated into the 5G Fund Phase I auction design to account for the relative cost of serving areas with differing terrain characteristics as well as the potential business case for each area.<sup>2</sup> The Commission also proposed that the adjustment factor would apply to the disaggregation of legacy high-cost support in connection with the transition to 5G Fund support.<sup>3</sup> The Office and the Bureau intend to issue a Public Notice to propose and seek comment on specific adjustment factor values for purposes of bidding in the 5G Fund auction as well as the disaggregation of legacy support.

In developing the 5G Fund adjustment factor values, the Commission intends to examine anonymized data derived from information contained in the biannual Numbering Resource Utilization and Forecast (NRUF) reports filed by wireless telecommunications carriers, carrier-specific local number portability (LNP) data related to wireless telecommunications carriers, and further disaggregated monthly carrier-specific local number portability data (Carrier-to-Carrier LNP Data) related to wireless telecommunications carriers.<sup>4</sup> Specifically, the Commission intends to examine anonymized wireless telecommunications carriers' number of subscribers per megahertz of deployed spectrum at the Cellular Market Area level (NRUF CMA data).

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<sup>1</sup> *Establishing a 5G Fund for Rural America*, GN Docket No. 20-32, Notice of Proposed Rulemaking and Order, FCC 20-52 (Apr. 23, 2020) (*5G Fund NPRM and Order*).

<sup>2</sup> *5G Fund NPRM and Order* at para. 202.

<sup>3</sup> *Id.* at para. 203.

<sup>4</sup> 47 CFR §§ 1.907, 52.5.

Accordingly, subject to the provisions of a protective order being adopted this day,<sup>5</sup> the Commission intends to place into the record in this proceeding:

- The number of wireless telecommunications carriers' subscribers per deployed megahertz of spectrum by CMA. The subscriber numbers by CMA are derived from the NRUF reports and LNP data as of December 31, 2013. Carriers will be anonymized in the dataset.

Section 251 of the Communications Act grants the Commission jurisdiction over the North American Numbering Plan (NANP) and related telephone numbering issues.<sup>6</sup> To better monitor the way numbering resources are used within the NANP and allocate NANP resources efficiently, the Commission requires telecommunications carriers to provide the Commission with a utilization report of their current inventory of telephone numbers and a five-year forecast of their numbering resource requirements.<sup>7</sup> LNP data are collected by the LNP Administrator and provided to the Commission.

The Commission has recognized that disaggregated, carrier-specific forecast and utilization data should be treated as confidential and should be exempt from public disclosure under 5 U.S.C. § 552(b)(4).<sup>8</sup> Although the NRUF CMA data will be anonymized, it might be possible in some circumstances to determine the identity of a carrier in a specific CMA. Accordingly, the anonymized NRUF CMA data will be placed into the record subject to the provisions of the Protective Order. As such, the NRUF CMA data will not be available to the public except pursuant to the terms of the Protective Order, as outlined below.

Persons seeking to review the NRUF CMA data may do so only for purposes of participating in this proceeding. Pursuant to the Protective Order, outside persons participating or intending to participate in the proceeding who are not involved in competitive decision-making activities and who have signed the Acknowledgment of Confidentiality attached to the Protective Order may review the NRUF CMA data. We emphasize that persons seeking to review the NRUF data must have adequate protections in place to prevent improper use or disclosure of the information.

Affected parties have until **May 11, 2020**, to oppose disclosure of their anonymized NRUF CMA data. In addition, affected parties will have three business days after the filing of an Acknowledgment of Confidentiality to object to the release of the data to a particular person who requests permission to review it.

If the Commission receives no opposition from affected parties by **May 11, 2020**, the Commission will place the anonymized NRUF CMA data into the record subject to the safeguards contained in the Protective Order. If disclosure is opposed, the procedures set forth in 47 CFR § 0.461(i) shall apply. All filings should refer to GN Docket 20-32.

Under the Commission's current procedures for the submission of filings and other documents,<sup>9</sup> submissions in this matter may be filed electronically through the Commission's Electronic Comment Filing System (ECFS).

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<sup>5</sup> *Establishing a 5G Fund for Rural America*, GN Docket No. 20-32, Protective Order, DA 20-474 (May 1, 2020) (Protective Order).

<sup>6</sup> 47 U.S.C. § 251.

<sup>7</sup> 47 CFR § 52.15(f); see *Numbering Resource Optimization*, Report and Order and Further Notice of Proposed Rule Making, 15 FCC Rcd 7574, 7578-79, para. 5 (2000) (*Numbering Report and Order*).

<sup>8</sup> *Numbering Report and Order*, 15 FCC Rcd at 7607, para. 78.

<sup>9</sup> *FCC Announces Change in Filing Location for Paper Documents*, Public Notice, 24 FCC Rcd 14312 (2009).

- **To file electronically,**<sup>10</sup> filings shall be sent as an electronic file via the Internet to <http://apps.fcc.gov/ecfs>. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket number. Parties may also submit an electronic comment by email.
- **To file by paper,** the original and one copy of each filing must be filed by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.
  - Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Dr., Annapolis Junction, Annapolis MD 20701.
  - U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, SW, Washington DC 20554.
  - Effective March 19, 2020, and until further notice, the Commission no longer accepts any hand or messenger delivered filings. This is a temporary measure taken to help protect the health and safety of individuals, and to mitigate the transmission of COVID-19.<sup>11</sup>
  - During the time the Commission's building is closed to the general public and until further notice, if more than one docket or rulemaking number appears in the caption of a proceeding, paper filers need not submit two additional copies for each additional docket or rulemaking number; an original and one copy are sufficient.

One copy of each filing also must be delivered electronically, by email, or if delivered as paper copy, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (according to the procedures set forth above for paper filings), to: (1) Kate Matraves, Economic Analysis Division, Office of Economics and Analytics, at [catherine.matraves@fcc.gov](mailto:catherine.matraves@fcc.gov); and (2) Joel Rabinovitz, Office of General Counsel, at [Joel.Rabinovitz@fcc.gov](mailto:Joel.Rabinovitz@fcc.gov). Any submission emailed to these individuals should include in the subject line of the email: (1) GN Docket 20-32; (2) the name of the submitting party; and (3) a brief description or title identifying the type of document being submitted (e.g., GN Docket 20-32, Widget Corp., NRUF Objection).

This action is taken pursuant to Sections 4(j) and 310(d) of the Communications Act, 47 U.S.C. §§ 154(j), 310(d), Section 4 of the Freedom of Information Act, 5 U.S.C. § 552(b)(4), and authority delegated under Sections 0.271 and 0.291 of the Commission's rules, 47 CFR §§ 0.271, 0.291, and is effective upon its adoption.

For further information, contact Kate Matraves at (202) 391-6272 or [catherine.matraves@fcc.gov](mailto:catherine.matraves@fcc.gov), or Joel Rabinovitz at (202) 418-0689 or [joel.rabinovitz@fcc.gov](mailto:joel.rabinovitz@fcc.gov).

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<sup>10</sup> *Electronic Filing of Documents in Rulemaking Proceedings*, Report and Order, 13 FCC Rcd 11322 (1998).

<sup>11</sup> See *FCC Announces Closure of FCC Headquarters Open Window and Change in Hand-Delivery Policy*, Public Notice, DA 20-304 (Mar. 19, 2020), <https://www.fcc.gov/document/fcc-closes-headquarters-open-window-and-changes-hand-delivery-policy>